

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERK'S OFFICE

\_\_\_\_\_  
IONICS, INCORPORATED, )  
 )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
GLOBAL ENERGY, INC., )  
 )  
 )  
Defendant. )  
\_\_\_\_\_

2004 NOV -3 A 8:42

U.S. DISTRICT COURT  
DISTRICT OF MASS.

Civil Action No. 04-11943-PBS

**LOCAL RULE 16.1(D) JOINT STATEMENT**

Pursuant to Local Rule 16.1(D), the parties, by and through their counsel, hereby jointly propose the following pretrial schedule:

1. Fact Discovery and Dispositive Motion Schedule

The parties propose the following schedule for completion of fact discovery and for the filing of dispositive motions, pending this Court's ruling on Plaintiff Ionics, Incorporated's Motion for Summary Judgment filed on September 20, 2004:<sup>1</sup>

11/23/04: Deadline for Rule 26(a)(1) Initial Disclosures.  
01/01/05: Deadline for service of all written discovery.  
02/15/05: Deadline for service of discovery responses and production of documents.  
03/31/05: Deadline for completion of all depositions.  
04/15/05: Deadline for service of expert reports.  
05/15/05: Deadline for service of rebuttal expert reports.

---

<sup>1</sup> The parties agree that this proposed plan is without prejudice to Plaintiff's pending summary judgment motion.

06/05/04: Deadline for filing Rule 56 motions.\*

\* The parties agree that, if no expert reports are served by April 15, 2005, the deadline for filing Rule 56 motions shall be May 15, 2005.

2. Certifications:

Certifications required by Local Rule 16.1(D)(3) will be filed separately.

3. Trial by Magistrate Judge:

The parties are still considering the possibility of a trial by a magistrate judge.

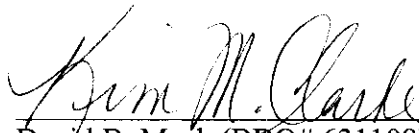
Respectfully submitted,


IONICS, INCORPORATED,

GLOBAL ENERGY, INC,

By its counsel,

By its counsel,

  
\_\_\_\_\_  
David B. Mack (BBO# 631108)  
Kim M. Clarke (BBO# 657711)  
NIXON PEABODY LLP  
100 Summer Street  
Boston, Massachusetts 02110  
(617) 345-1000

  
\_\_\_\_\_  
Jason W. Morgan (BBO #633802)  
DROHAN, HUGHES, HOFFMAN & TOCCHIO, P.C.  
175 Derby Street, Suite 30  
Hingham, MA 02043  
(781) 749-7200

Dated: November 2, 2004